

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6261 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHIVAM EDUCATION TRUST

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

MS SEJAL K MANDAVIA for Petitioners

Mr V H Patel, for the respondent

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 09/09/96

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner seeks direction against the respondent to give recognition to Bansidhar Vidyala, Amreli from the year 1992.

2. The petitioner-Education Trust made an application to the respondent-Gujarat Secondary Education Board, Gandhinagar for getting the registration of the School, which was refused by order dated 6.8.1991. The petitioner preferred appeal against the said order to the State Government. The State Government rejected the

appeal by order dated 20.4.1993. The petitioner challenged the decision of the Board as well as the State Government by way of filing Special Civil Application before this Court which was registered as Special Civil Application No.6092/93. This Court found that the Board had not considered the material available on record with respect to the financial stability. The Court also arrived at the conclusion that the order under challenge in the said Special Civil Application was without proper application of mind. In view of this, this Court by order dated 28.10.1993, while setting aside the orders under challenge, directed the Board to consider the matter afresh and decide the same in accordance with law.

2. The respondent-Board, by order dated 19.1.1994, granted recognition and gave permission to start Bansidhar Vidyalaya, Amreli. The grievance of the petitioner in this petition is that the Board has not given them permission from the date of its application. It is also submitted that the delay for the recognition was not on account of any fault of the petitioner.

3. I heard Ms.S K Mandavia, learned Advocate for the petitioner and have also gone through the materials on record. A reading of the order of this Court dated 28.10.1993 clearly indicates that the petitioner made application in time and the registration was refused on unsustainable ground. In view of this, the Board ought to have considered the question of recognition from the date of the application. Thus, considering the facts of the case, it would be just and proper to direct the respondents to consider the question of grant of recognition with retrospective effect, keeping in view the judgment of this Court dated 28.10.1993 rendered in Special Civil Application No.6092/93. The respondent will take a decision in this regard within a period of two months from the date of receipt of the writ.

4. In view of the aforesaid, this Special Civil Application is allowed as indicated above.

Rule made absolute to the aforesaid extent.

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